UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:	)	Chapter 13
	)	Bankruptcy No. 17-40227 TJT
	)	HON. Thomas J. Tucker
John and Melissa Parry,	)	
	)	
	)	
Debtors.	)	
______________________________/		

DEBTOR'S OBJECTION TO CREDIT UNION ONE'S PROOF OF CLAIM (ECF CLAIM NO. 8-1)

NOW COMES Debtors, by and through their attorney, and hereby object to Proof of Claim No. 8-1 filed in this case by Credit Union One. In support of this Objection, Debtors state:

1. On or about February 3, 2017, Credit Union One filed a proof of claim in this Chapter 13 Bankruptcy Case (ECF Claim No. 8-1).

2. The Claim alleges to be secured, "money loaned collateralized on vehicle (2011 Mercedes-Benz)."

3. The Loan Agreement attached to the claim has a section where the loan is to list, "Collateral securing other loans with the credit union," and that section of the loan is blank. (Claim 8-1, Part 2, p. 2, attached hereto as Exhibit 6.)

4. Further, it is impossible for the loan to be "cross-collateralized" on Debtor's vehicle as the vehicle was purchased months after Debtor entered into this loan agreement.

WHEREFORE, Debtor hereby requests this Honorable Court Order Claim Number Thirteen (8-1) filed by Credit Union One to be a general unsecured claim in the amount of $9,654.95, and any other relief this Court deems appropriate.

Respectfully submitted,

/s/ Adam L Wiener
Adam L. Wiener (P43216), *Of Counsel*
Law Office of David H. Lewiston
34100 Telegraph Rd., Suite 378
Bingham Farms, MI 48025
dhlewiston@gmail.com
(248) 593-6900

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_________________________________/

ORDER GRANTING DEBTOR'S OBJECTION TO CREDIT UNION ONE'S PROOF OF CLAIM (ECF CLAIM NO. 8-1)

An Objection to **Credit Union One's** Proof of Claim No. 8-1 having been filed and set for hearing, and the Court being fully advised;

IT IS HEREBY FURTHER ORDERED that to the extent the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS HEREBY FURTHER ORDERED that Credit Union One's Proof of Claim filed in this case as ECF Claim Number 8-1, is hereby reduced to a $0.00 secured claim and a $9,654.95 general Class Nine unsecured Claim.

____
Honorable Thomas J. Tucker
U.S. Bankruptcy Judge

EXHIBIT 1

CREDIT UNION ONE
400 E. 9 Mile Rd.
Ferndale, MI 48220

LOANLINER

Loan and Security Agreements and Disclosure Statement

[X] FIXED RATE / [ ] VARIABLE RATE	LOAN DATE	LOAN NUMBER	ACCOUNT NUMBER	GROUP POLICY NUMBER	MATURITY DATE
	5/14/2016				05/20/2021

BORROWER 1	BORROWER 2
NAME AND ADDRESS JOHN A PARRY 47080 ROSEMARY RD MACOMB, MI 480442579	NAME (AND ADDRESS IF DIFFERENT FROM BORROWER 1)

TRUTH IN LENDING DISCLOSURE 'e' means an estimate

ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Amount Financed	Total of Payments	Total Sale Price
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.	The total cost of your purchase on credit is $ 13 192.24 which includes your downpayment of $ 0 00
11.450 %	$ 3,192.24	$ 10,000.00	$ 13,192.24 e	

Your Payment Schedule Will Be:

Number of Payments	Amount of Payments	When Payments Are Due		
59	$ 221 00	MONTHLY	beginning	6/20/2016
1	$ 153.24			5/20/2021

Prepayment: If you pay off early you will not have to pay a penalty.

Required Deposit: The Annual Percentage Rate does not take into account your required deposit, if any.

Demand: [ ] This obligation has a demand feature. [ ] All disclosures are based on an assumed maturity of one year.

Property Insurance: You may obtain property insurance from anyone you want that is acceptable to the Credit Union. If you get the insurance from us, you will pay $ N/A

Filing Fees $ Non-Filing Insurance $

Late Charge:

20% of interest due, minimum $25 00 if 10 or more days late.

Security: Collateral securing other loans with the Credit Union may also secure this loan. You are giving a security interest in your shares and dividends and, if any, your deposits and interest in the Credit Union; and the property described below:

Collateral	Property/Model/Make	Year	I.D. Number	Type	Value
				PL	$
					$
					$

Other (Describe)
Pledge of Shares $ in Account No. $ in Account No.

Variable Rate:

See your contract documents for any additional information about nonpayment, default, and any required repayment in full before the scheduled date.

SIGNATURES

By signing, or otherwise authenticating, as Borrower, you agree to the terms of the Loan Agreement. If property is described in the "Security" section of the Truth in Lending Disclosure, you also agree to the terms of the Security Agreement. If you sign, or otherwise authenticate, as "Owner of Property" you agree only to the terms of the Security Agreement.

CAUTION: IT IS IMPORTANT THAT YOU THOROUGHLY READ THE AGREEMENT BEFORE YOU SIGN IT.

X [signature] (SEAL) 5/14/2016
BORROWER 1 DATE

X (SEAL)
[ ] OTHER BORROWER [ ] OWNER OF PROPERTY [ ] WITNESS DATE

X (SEAL)
BORROWER 2 DATE

X (SEAL)
[ ] OTHER BORROWER [ ] OWNER OF PROPERTY [ ] WITNESS DATE

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Exhibit 6

UNITED STATES BANKRUPTCY COURT
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	)	
	)	
Debtors.	)	

_______________________________/

NOTICE OF OBJECTION TO CLAIM

John and Melissa Perry have filed Objections to your claim in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before April 13, 2017, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

   U.S. BANKRUPTCY COURT
   211 W. Fort Street, Ste. 2100
   Detroit, MI 48226

   If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

Exhibit 2

You must also mail a copy to:

Tammy L. Terry
Chapter 13 Trustee
535 Griswold
Detroit, MI 48226

Adam L. Wiener
Attorney for Debtor
24100 Southfield Rd.
Suite 203
Southfield, MI 48076

2. Attend the hearing on the objection, scheduled to be held on April 20, 2017, at 10:00 a.m. in United States Bankruptcy Court, 211 W. Fort St., Detroit, Michigan, 48226, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. **(Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)**

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Respectfully submitted,

/s/ Adam L Wiener
Adam L. Wiener (P43216), *Of Counsel*
Law Office of David H. Lewiston
34100 Telegraph Rd., Suite 378
Bingham Farms, MI 48025
dhlewiston@gmail.com
(248) 593-6900

Dated: 3/06/2017

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PROOF OF SERVICE

I hereby certify that on the date indicated below, a copy of the Debtor's Objection to Credit Union One's Proof of Claim (No. 8-1), Proposed Order, Notice of Objection to Claim, Exhibits 5 and 6 and this proof of service was/were served by electronic transmission upon:

Christopher Frank, attorney for Credit Union One: cfrank@theleducgroup.com

Respectfully submitted,

/s/ Adam L Wiener
Adam L. Wiener (P43216), *Of Counsel*
Law Office of David H. Lewiston
34100 Telegraph Rd., Suite 378
Bingham Farms, MI 48025
dhlewiston@gmail.com
(248) 593-6900

Dated: 3/06/2017

Exhibit 4